

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION
DRAFT for Discussion Purposes

Bates et al.
10/618,977

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REMARKS

Claims 1-9, 15, 17, 18, and 20 are cancelled. Claims 10-14, 16, and 19 are pending. New claims 21 – 31 have been added. No new matter has been added.

Restriction Requirement

Previously, in an Office Action dated June 3, 2006, the Examiner restricted the claims into Group I (claims 1-6, 10-14, 16-17 and 19-20) and Group II (claims 7-9, 15 and 18). The June 3, 2006 Office Action further required election of a Species selected from the group consisting of: Species A (Fig. 8), Species B (Fig. 9), Species C (Fig. 10) and Species D (Fig. 11). In a Response dated July 21, 2006, Applicant elected with traverse Group I (claims 1-6, 10-14, 16-17 and 19-20) drawn to a coated endolumenal medical device, and Species A (Fig. 8).

Subsequently, the Office Action dated September 6, 2006 issued the same restriction requirement recited in the June 3, 2006 Office Action, as between Group I and Group II, but modifying the Species election requirement to include: "Species B-fig. 9 (including fig. 8)," "Species C-fig. 10 (including fig. 8)," and "Species D-fig. 11."

In response, Applicant elects Group I and Species D- fig. 11. As amended, claims 10-14, 16, 19-20 and new claims 21-31 are within the elected Group I and Species D. Applicant traverses the restriction

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requirement for reasons already of record in the REMARKS of the July 21, 2006 Response, incorporated herein by reference.

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Claims

Support for the recitation of bioactive materials in new claim 26, is found in the specification, for example, at page 6. Support for the recitation of a balloon base material layer in amended claims 10 and 16 is found in the specification, for example, at pages 10-11 and 17. Support for the recitation of a stent base material layer in amended claims 11 and 14 is found in the specification, for example, at pages 10-11 and 17. Support for the recitation of "wherein the bioactive material on said balloon is lipophilic," in new claims 23-25 and 28 is found in the specification, for example, at page 8. Support for the recitation of "a bioactive material posited on the stent base material layer" in amended claim 11 is found in the specification, for example, at page 27. Support for the recitation of base materials in amended claim 16 and new claim 31 is found in the specification, for example, at page 10-11, 17 and 29. Support for the recitation of stent base material layer materials in amended claim 14 is found in the specification, for example, at pages 10-11 and 17. Support for the recitation of bioactive materials in new claims 21, 23-28 and 30 is found in the specification, for example, at pages 18-22. Support for the recitation of "A method of manufacturing a coated medical device" in new claim 27 is found in the specification, for example, at page 22. Support for the recitation of "providing an inflatable balloon having inflated and deflated configurations," and a balloon base material, in new claim 27 is found in the specification, for example, at pages

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7-8. Support for the recitation of "inflating the inflatable balloon" in new claim 27 is found in the specification, for example, at pages 7-8. Support for the recitation of "depositing a bioactive material on the inflatable balloon while it is in the inflated configuration" in new claim 27 is found in the specification, for example, at pages 7-8. Support for the recitation of "wherein the bioactive material is lipophilic" in new claim 28 is found in the specification, for example, at pages 7-8. No new matter is added. Support for all amended and new claims is found in the specification as originally filed.

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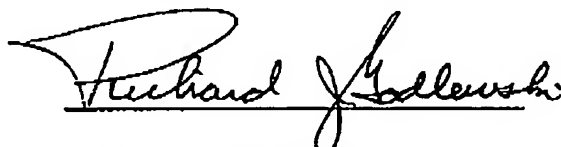
Conclusion

The application is in condition for Examination, which is earnestly solicited. If, for any reason, the Examiner is unable to allow the application and feels that an interview would be helpful to resolve any remaining issues, he is respectfully requested to contact the undersigned attorney at (812) 330-1824.

Respectfully submitted,

Dated:

Oct. 5, 2006



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